

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, MARCH 25, 2003 AT 10:00 A.M.  
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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, MARCH 25, 2003 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

A Special Joint Meeting of the **CITY COUNCIL/REDEVELOPMENT AGENCY** has also been scheduled. A special docket will be issued regarding this meeting. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at 578-7540.

ITEM-300:           ROLL CALL.

**ADOPTION AGENDA, DISCUSSION, HEARINGS**  
**NOTICED HEARINGS:**

ITEM-330:   Vacation of a portion of Alameda Place.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-973)

Vacating a portion of Alameda Place, reserving out a drainage and sewer easement, as more particularly described in the legal description, marked Exhibit "A" and as shown on Drawing No. 19884-B, marked Exhibit "B", is ordered vacated;

That the City Clerk shall cause a certified copy of this resolution with attached exhibits, attested by him under seal, to be recorded in the Office of the County Recorder.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a portion of Alameda Place located in the Uptown Community area within Council District 2. The street lies in a canyon and there are no plans to construct a street at this location. A drainage and sewer easement will be reserved over a portion of the area to be vacated to protect existing facilities. The applicant wishes to apply for a building permit and construct a room addition. On May 7, 2002, the Uptown Planners recommended approval of the street vacation by a vote of 8-4-0. The street easement being vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be built or widened at this location due to the steep terrain and the topography of the land.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability.
- c) That the vacation is not inconsistent with the General Plan, and approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a R-1 zone which is consistent with the community plan land use designation. The Uptown Planners recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has limited use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

**FISCAL IMPACT:** None. All cost have been paid by the applicant.

Ewell/Broughton/AEA

**NOTE:** This project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061 (b) (3).

**ADOPTION AGENDA, DISCUSSION, HEARINGS**

**NOTICED HEARINGS:**

ITEM-331: Three actions related to Condemnation Proceeding Regarding Sewer Group 619 Project.

(See City Manager Report CMR-03-041. Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2003-877)

**FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION**

Determining and declaring that the public interest, convenience and necessity require the acquisition of certain rights-of-way over the property described herein for the Sewer Group 619 Project described herein for the replacement and rehabilitation of currently existing undersized and outdated concrete sewer pipes in order to provide safe and reliable sewer infrastructure for the community; that said project will necessarily require the acquisition of one temporary construction permit on each of said real properties located at 3965 Bandini Street and 3852 Alameda Place, in the City of San Diego, County of San Diego, State of California; that the public interest, convenience and necessity require those acquisitions; that the proposed Project is planned in a manner that will be most compatible with the greatest public good and the least private injury; and declaring that the offer to purchase the property required by Government Code 7267.2 has been made to the owners of record of the property and rejected; and declaring the intention of the City of San Diego to acquired said property interests; and directing the filing of eminent domain proceedings to condemn, acquire, and obtain prejudgment possession of the property for the use of the City.

**NOTE:** 6 votes required.

Subitem-B: (R-2003-913)

Authorizing the expenditure of an amount not to exceed \$115,000 from Fund No. 41506, CIP-44-001.0, Sewer Main Annual Allocation, Dept. 773, Organization

960, Object Account 4278, Job Order 172539, for the Sewer Group 619 Project, for the acquisition of the required property rights, condemnation, labor title, escrow, contingencies and miscellaneous costs, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any to the appropriate reserves.

Subitem-C: (R-2003-917)

Stating for the record that the final Mitigated Negative Declaration for this Project, LDR-99-0303 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the City Council prior to approval of Sewer Group 619 Project;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Aud. Cert. 2300645.

**ADOPTION AGENDA, DISCUSSION, HEARINGS**  
**NOTICED HEARINGS:**

ITEM-332: Determination of the Citywide Vacancy Rate for Residential Rental Units.

Matter of determination of the Citywide Apartment Vacancy Rate for residential rental units. This determination is required by Municipal Code Section 141.0302 "Conditional Use Permits for Companion Units." If the vacancy rate is determined to be less than five percent, the City will continue to accept Conditional Use Permit applications for companion units until March 31, 2004 unless State-mandated ministerial companion unit regulations are adopted before then.

(Community Plan areas-All. Districts-Citywide.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1099)

Adoption of a Resolution certifying that the Citywide average vacancy rate for Residential Rental Units did not exceed five percent in calendar year 2002.

**OTHER RECOMMENDATIONS:**

Planning Commission on March 6, 2003 voted 6-0 to approve; no opposition.

Ayes: Lettieri, Schultz, Garcia, Steele, Chase, Ontai.

Not present: Brown

This is a matter of City-wide effect. No Community groups have taken position on this item.

**SUPPORTING INFORMATION:**

Every year the City Council is required to determine whether the average annual vacancy rate for residential rental units during the previous calendar year was greater or less than five percent. This determination is required by Municipal Code 141.0302.

The average annual vacancy rate for residential rental units was determined to be between 1.8 and 3.4 percent for the calendar year 2002 in published surveys performed by the San Diego Country Apartment Association and Market Point Realty Advisors.

On March 6, 2003 the Planning Commission voted 6-0 to recommend that the City Council find that the vacancy rate was below five percent for the year 2002.

**FISCAL IMPACT:** None.

Ewell/Goldberg/JP

**NOTE:** This activity is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA guidelines.

**ADOPTION AGENDA, DISCUSSION, HEARINGS**

**NOTICED HEARINGS:**

ITEM-333: Two actions related to Residential Permit Parking Area D.

(See City Manager Report CMR-03-032. Clairemont Mesa Community Area. District-6.)

## **CITY MANAGER'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2003-118)

Introduction of an Ordinance amending Chapter VIII, Article 6, Division 20, of the San Diego Municipal Code by amending Sections 86.2003 and 86.2006 relating to Residential Permit Parking.

Subitem-B: (R-2003-1020)

Approving the creation of a Residential Permit Parking in Area D, in the San Diego Mesa College area, pursuant to San Diego Municipal Code Section 86.2006 and 86.2007, to include the following streets:

1. 3400-block of Aldford Drive (between Aldford Place and Chasewood Drive);
2. 6200-block of Aldford Place (between Rollsreach Drive and Aldford Drive);
3. 3500-block and 3600-block of Auburndale Street (between Marlesta Drive and Thornwood Street);
4. 3500-block of Bacontree Place (between beginning and Bacontree Way);
5. 6900-block of Bacontree Way (between Auburndale Street and end);
6. 3400-block of Beagle Place (between Beagle Street and end);
7. 6900-block and 7000-block of Beagle Street (between Marlesta Drive and Atoll Street);
8. 3500-block and 3600-block of Brookshire Street (between beginning and Thornwood Street);
9. 3400-block and 3550-block of Chasewood Drive (between Marlesta Drive and Auburndale Street);
10. 6700-block, 6750-block, and 6800-block of Erith Street (between Chasewood Drive and end);
11. 3400-block, 3500-block, and 3600-block of Fireway Drive (entire street);
12. 7000-block of Hilton Place (between Marlesta Drive and end);
13. 3400-block of Keston Court (between Beagle Street and end);
14. 6800-block of Lanewood Court (between Auburndale Street and end);
15. 3200-block, 3500-block, and 3600-block of Marlesta Drive (between Genesee Avenue and end);
16. 3300-block and 3400-block of Rollsreach Drive (between beginning and Chasewood Drive);
17. 6400-block of Shirehall Drive (between beginning and Brookshire Street);

Authorizing the installation of the necessary signs and markings on said streets, and the regulations hereinabove imposed shall become effective upon the

installation of such signs.

**ADOPTION AGENDA, DISCUSSION, HEARINGS**  
**NOTICED HEARINGS:**

ITEM-334: Faith Presbyterian Church Master Plan.

Matter of approving, conditionally approving, modifying or denying a Site Development Permit for a phased master plan and a Conditional Use Permit for a day-care facility. The project includes the relocation of an existing utility easement for a storm drain. The project is located at 5075 Campanile Drive.

(Site Development Permit No. 6989/Conditional use Permit No. 6988/Easement Vacation Project No. 6990-Project No. 4382. College Area Community Plan. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in Subitems A and B; and adopt the resolution in Subitem C to grant the permits:

Subitem-A: (R-2003-1063)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration LDR-42-0578, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resource Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the conditional use permit, site development permit and easement vacation for the Faith Presbyterian Church project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to



mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-1064)

Adoption of a Resolution certifying that the storm drain easement, as described in the legal description marked as Exhibit "A-1," on file in the office of the City Clerk which is by this reference incorporated herein and made a part hereof, is ordered vacated;

That this resolution shall not become effective unless and until the existing storm drain pipe has been relocated to the satisfaction of the City Engineer and a utility easement granted to the City of San Diego, therefore. In the event the above conditions are not completed within five years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned public improvements and the City Clerk shall then cause a certified copy of this resolution, attested by him under seal to be recorded with the office of the County Recorder.

Subitem-C: (R-2003- )

Adoption of a Resolution granting or denying Conditional Use Permit No. 6988/Site Development Permit No. 6989, with appropriate findings to support Council action.

#### **OTHER RECOMMENDATIONS:**

On January 16, 2003, the Planning Commission voted 6-0 to approve; no opposition.

Ayes: Anderson, Lettieri, Chase, Garcia, Schultz, Steele  
Not present: Brown

The College Area Community Council has recommended approval of this project.

#### **SUPPORTING INFORMATION:**

The Faith Presbyterian Church Master Plan is a proposal for the phased redevelopment of an existing church campus and childcare facility. The completed project would include a new 650 seat sanctuary, an 8,450 square-foot fellowship hall, a 7,856 square-foot childcare for 90 children

and a 159 space, two-level parking structure. The project includes the proposed abandonment and relocation of an existing storm drain easement to facilitate the construction of the parking structure. The abandonment of the storm drain easement requires that the proposed master plan be decided in accordance with a Process Five decision by the City Council. The project requires a Site Development Permit (SDP) because the property is included within the College Area Community Plan Implementation Overlay Zone (CPIOZ-Type B) and therefore, requires a discretionary action to redevelop the site. A Conditional Use Permit (CUP) is required for the proposed childcare facility in accordance with the Land Development Code. The existing childcare facility was operational prior to the requirement of a CUP for this type of use, however, the demolition and relocation of the facility requires compliance with the current regulations.

Phase 1 of the master plan would include the demolition and reconstruction of the existing childcare building and the existing fellowship hall. The new fellowship hall is approximately the same size as the current facility and the childcare service will maintain the current enrollment cap of 90 children, therefore, Phase 1 of the master plan can be completed without additional on-site parking.

Phase 2 of the master plan includes the physical relocation of the existing storm drain and the construction of the parking garage. A shared parking agreement for 91 spaces is required prior to the start of construction on the parking structure (the church has a tentative agreement with San Diego State University). The storm drain will be designed and constructed to the satisfaction of the City Engineer.

Phase 3 of the master plan includes the demolition of the existing 300 seat sanctuary and the construction of a new 650 seat sanctuary. The third and final phase of the project is contingent upon the completed construction of the parking structure.

The proposed development and use of the site is consistent with the College Area Community Plan and complies with all of the applicable development regulations of the underlying zone. There are no outstanding issues with the proposed development.

#### **TRAFFIC IMPACT:**

The proposed church expansion would generate 105 average daily trips (ADT). The project is estimated to add 30 ADT to College Avenue north of Montezuma Road which carries approximately 36,000 ADT. The College Area Community plan recommends College Avenue be widened from four to six lanes. The project traffic impact to the surrounding roadway network would be minimal.

#### **FISCAL IMPACT:**

None. The property owner shall bear all of the cost associated with the processing of this application.

Ewell/Christiansen/JPH

**LEGAL DESCRIPTION:**

The project site is located at 5075 Campanile Drive, within the RM-3-9 Zone, Community Plan Implementation Overlay Zone, College Area Community Plan and is more particularly described as Lot 21, Ranch Mission Map No. 330.

**ADOPTION AGENDA, DISCUSSION, HEARINGS**  
**NOTICED HEARINGS:**

ITEM-335: Museum of Contemporary Art San Diego at the Santa Fe Depot Baggage Building.

(See CCDC Report-Amended Environmental Secondary Study dated 2/20/2003.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1114)

Certifying that the Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, the Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and associated plan amendments, and the Secondary Study with respect to the development of the Museum of Contemporary Art/San Diego, Santa Fe Depot; and making certain findings and determinations regarding environmental impacts of the development.

**NOTE:** See Redevelopment Agency agenda of 3/25/2003 for a companion item.

**ADOPTION AGENDA, DISCUSSION, HEARINGS**  
**NOTICED HEARINGS:**

ITEM-336: Official Intent to Issue Multifamily Revenue Bonds for 9<sup>th</sup> and Broadway Apartments.

(See Housing Authority Report HAR03-001. Centre City Community Area. District-2.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-813 Cor. Copy)

Approving the issuance of multifamily housing revenue bonds by the Housing Authority of the City of San Diego for the 9<sup>th</sup> and Broadway apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

**NOTE:** See the Housing Authority Agenda and the Redevelopment Agency Agenda of 3/25/2003 for companion items.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**RESOLUTIONS:**

ITEM-337: Offsite Improvements - Portions of “J” and “K” Streets.

(See Centre City Development Corporation Report CCDC-03-10, CCDC-03-08.)

**CENTRE CITY DEVELOPMENT CORPORATION’S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1047)

Finding and determining that the installation and construction of the Improvements on “J” Street, from 5<sup>th</sup> to 7<sup>th</sup> Avenues, and “K” Street, from 5<sup>th</sup> to 6<sup>th</sup> Avenues, for which the Agency proposes to pay for, are of benefit to the Centre City Redevelopment Project Area;

Finding and determining that the proposed improvements will assist in eliminating one or more blighting conditions inside the Project Area and that no other reasonable means of financing the proposed improvements are available to the community;

Finding and determining that the installation of the Improvements in the Project Area is consistent with the Implementation Plan for the Project Area, as adopted and thereafter amended by the Agency pursuant to California Health and Safety Code Section 33490.

**NOTE:** See the Redevelopment Agency Agenda of 3/25/2003 for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

ITEM-338: Ratifying the North Park Redevelopment Project Area Committee Election of February 12, 2003 and Extending the PAC for One Year.

(See City Manager Report CMR-03-046. North Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1069)

Approving the newly elected members of the PAC for the North Park Redevelopment Project, as noted by the City Clerk's verification of the election results of February 12, 2003;

Declaring that the Council concurs that the election results of February 12, 2003 are valid and binding in accordance with the procedures so adopted by Resolution R-276720;

Directing the Agency to consult with, and obtain the advice of the North Park Redevelopment Project PAC pursuant to the provisions of the California Community Redevelopment Law [Cal. Health & Safety Code §33000 et seq.];

Declaring that the term of the North Park Redevelopment Project PAC is extended for one year.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT